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TS

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/676,355 09/17/98 GERHAEUSER

H 960160

EXAMINER

LM01/0926

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ART UNIT	PAPER NUMBER
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2745

DATE MAILED:

09/26/00

15

**Please find below and/or attached an Office communication concerning this application or proceeding.****Commissioner of Patents and Trademarks**

## Office Action Summary

Application No. 08/676,355	Applicant(s) Heinz Gerhaenser et al.
Examiner Naghmeh Mehrpour	Group Art Unit 2745

Responsive to communication(s) filed on \_\_\_\_\_.

This action is FINAL.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

### Disposition of Claims

Claim(s) 1-29 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

Claim(s) \_\_\_\_\_ is/are allowed.

Claim(s) 1-29 is/are rejected.

Claim(s) \_\_\_\_\_ is/are objected to.

Claims \_\_\_\_\_ are subject to restriction or election requirement.

### Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. § 119

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All  Some\*  None of the CERTIFIED copies of the priority documents have been

received.

received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

### Attachment(s)

Notice of References Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

Interview Summary, PTO-413

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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*Drawings*

- pe  
1. New formal drawings are required in this application because figures 1, and 3, are not labeled. Applicant is advised to employ the services of a competent patent draftsperson outside the Office, as the Patent and Trademark Office no longer prepares new drawings.

*Claim Rejections - 35 USC § 112*

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. The **Claims 1-29**, are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

*Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. **Claims 1-17, 19-26, 28-29**, are rejected under 35 U.S.C. 102(b) as being anticipated by Kobayashi et al. (US Patent Number 5,086,511).

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Regarding Claims 1-4, 7, 11-13, 16-17, 19, 23-26, 29, we understand that Applicant teaches a method of determining a wireless system wherein receiving location data comprises: first lists "A" which contain local data and indicators that served by more than one transmitters, lists "B" which contain partial area data and indicators for local area that served by more than one transmitters. Kobayashi teaches a mobile receiver, such as portable radio receiver in FIGs 1 to 4. The radio receiver can be mounted on vehicle. The radio receiver allows easy discrimination of the broadcasting station name of a broadcast received during transfer of the receiver. The receiver can receive different broadcasts of the same frequency f1 from different broadcasting stations in the areas A, B, E, and X. The lists are shown in a table (See figure 3, Column 2 lines 57-67). The data previously stores in memory 12, frequencies receivable in the different areas as well as broadcasting name data associated are stored in the memory circuit 10. When the receiver area is changed the data stored in the memory circuit 10 and the data stored in the user memory 12 are utilized (See figure 1, Column 2 lines 41-47).

Shown in the FIG 4 more specifically, one of the area selection keys "N", "S", "E" and "W" operated at the operated board 6 is judged. On the basis of the determined result, the data of the corresponding area is read out from the memory circuit 10 and set at the control circuit 7 to thereby change the indication of the area name and receiving broadcast station name on the display 11 (Column 3 lines 47-56). In the figures 2, and 3, the different lists are shown.

The user of the mobile receiver know how the name of one of broadcasting stations of the same broadcasting frequency located in different areas, to which the user is listening.

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Regarding **Claims 5, 8, 14-15, 20-21, 28**, Kobayashi teaches a method of broadcasting for receiving data location wherein, the frequencies receivable in the different areas as well as broadcasting name data associated therewith are stored in the memory circuit 10. Circuit 9 determined by comparing that data at current position is matched with the stored data (memory 10), then the name of the broadcasting station being received at the current position is read out from the memory circuit 10, and station name and the associated area name of the current position indicated on the display (See figure 1, Column 3 lines 1-13).

Regarding **Claims 6, 9**, Kobayashi teaches a method of determining receiving location data wirelessly wherein a receive frequency selected at the preset key, when the sweeping key is operated, this cause the PLL circuit to sequentially change the receive frequency to be set at the electronic tuner 2 (See figure 1, Column 2 lines 10-19).

Regarding **Claim 22**, Kobayashi teaches a method of determining receiving location data wirelessly for a faster exchange of the data in the memory data, before arriving at the new location (Column 3 lines 64-68, Column 4 lines 1-2).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 10, 18, 27,** are rejected under 35 U.S.C. 103(a) as being unpatentable over Kobayashi et al. (US Patent Number 5,086,511).

Regarding **Claim 10**, Kobayashi fails to teach that receiving data for areas served by lists A are displayed once in a transmission cycle, and the receiving data for areas on lists B are displayed more often. However Examiner takes an official notice that the above method is well known in the art. Therefore, it would have been obvious to ordinary skill in the art at the time the invention was made to use the above teaching to Kobayashi, in order to provide convenience for the user.

Regarding **Claim 18**, Kobayashi fails to teach that satellite navigation is used for determining the actual receiving location. However Examiner takes official notice that using satellite navigator such as GPS is well known in the art. Therefore, it would have been obvious to ordinary skill in the art at the time the invention was made to use GPS with Kobayashi system, in order to provide efficient method of determining the actual receiving location.

Regarding **Claim 27**, Kobayashi teaches a method of determining location data in broadcast system that data stored in the memory (Column 3 lines 1-13). Kobayashi does not mention specifically that the memory is RAM. However it is well known in the art that to use random access memory (RAM) in different system. RAM can be overwritten with new information and access to and from. Since RAM memory is extraordinary fast. Therefore, it would have been obvious to ordinary skill in the art at the time the invention was made to use RAM in Kobayashi system, for the purpose of storing data quickly.

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***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Dejean et al.** (US Patent Number 5,278,988) disclose automated receiver monitoring method and apparatus

**kimura et al.** (US Patent Number 5,819,166) disclose receiving apparatus having a database containing broadcasting station information

**Harada** (US Patent Number 5,307,513) disclose channel frequency storing method for a vehicle radio

9. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 305-9051, (for formal communications intended for entry)

**Or:**

(703) 305-9508, (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

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Any inquiry concerning this communication or earlier communication from the examiner should be directed to Melody Mehrpour whose telephone number is (703) 308-7159. The examiner can normally be reached on Monday through Thursday (first week of bi-week) and Monday through Friday (second week of bi-week) from 6:30 a.m to 5:00 p.m.

NMM

Sept 14, 2000

*RJ EJ*  
REINHARD J. EISENZOPF 9-23-00  
SUPERVISORY PATENT EXAMINER  
GROUP 2700